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ABSTRACT

This paper describes the model employed by the Austin (Texas) Independent School District, developed in response to the Lau v Nichols decision on instruction for limited English speaking ability (LESA) students, to determine when a LESA student is no longer a LESA student. Five other theoretical models are proposed: (1) an expected performance model using nonverbal intellectual functioning, socioeconomic status, and language learning capability measures to predict individual achievement; (2) a compensatory education exit model which would provide special instruction, if necessary, after attaining an appropriate English proficiency functioning level; (3) an optimal instructional placement model to project which type of program would provide the highest rate of academic achievement for a particular type of student; (4) a LESA false positives identification model to identify students who meet exit criteria during one year but who will most likely not meet the criteria the following year; and (5) a simple solution model which would be based on research and measurement to determine when a student has reached an adequate level of English proficiency to function normally in a regular classroom. (MH)

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WHEN IS A LESA STUDENT NO LONGER LESA?

A paper presented at the annual meeting of the
American Educational Research Association

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ABSTRACT

WHEN IS A LESA STUDENT NO LONGER LESA?

The Lau vs. Nichols decision has been interpreted by HEW's Office for Civil Rights (OCR) as a mandate to require set levels of acceptable achievement for students who begin their school careers as limited English speakers as a result of coming from a home where a language other than English is spoken. Unfortunately, the Lau Remedies have imposed demands on schools which are in reality unattainable.

The Austin Independent School District has struggled with OCR's requirements and has considered various alternatives for determining when a LESA student is no longer LESA. Most of these alternatives are presently impractical to implement; however, several potentially operational models are described which would exit students from LESA status on a theoretically sound basis.

While the focus of this paper is primarily on projecting models that alleviate some of the problems associated with the present Austin model, we have taken the liberty to suggest ideas that go beyond the LESA status exit criteria concerns. One of the ideas addresses the need for placing students in an educational environment that optimizes the probability of academic success (Model 3). The other idea deals with determining how long compensatory services are required after a student has exited LESA status (Model 4).

BACKGROUND

A Worthy Goal, A Simple Task

One of the major outcomes of the Lau vs. Nichols case (1974) was the legal "guideline" that students from a non-English speaking home background must be provided instruction that does not limit their learning. While there is a noticeable lack of specificity in the so-called Lau Remedies, *it is clear that language ability is the key variable.* Briefly, Lau vs. Nichols determined that until the student from a non-English speaking home has developed adequate English language skills, specially designed instruction must be provided. On face value alone, two primary questions must be addressed if the Lau remedies are to be observed. These are:

1. How do we measure English language skills? and,

2. Once we know how to measure English language skills, how do we determine what consititutes "adequate"?

For the sake of closure, let's ignore reality for just a moment and assume that one and two just mentioned may be easily accomplished. If so, the task then becomes child's play, a simple three step procedure:

1. Test all students from non-English home backgrounds.

2. Those students below an adequate skills level in English are considered to be of limited English speaking ability (LESA) and are provided specially designed language instruction.

3. Retest these LESA students at some later date. Those that then demonstrate adequate English skills will no longer be LESA and may be exited from special language programs. Those whose English language skills are still not adequate will still be considered LESA and still continue to receive special language instruction.

Complications Set In

Simple, Yes? No? How could such a straightforward, simple task become one of the most complex, untidy messes in education today? That is simple. Here are just a few of the reasons.

1. To date, *an instrument that reliably measures English language skills has not been validated.* This instrument will be one that yields a "score" strongly related to later school achievement. The PAL Oral Language Dominance Measure has been found to be relatively unrelated to later school achievement (kindergarten to second grade r = .15) as measured by the California Achievement Test (CAT). The PAL and CAT are two instruments that are used by the Austin Independent School District (AISD) in the identification of LESA students.

2. There has been very little meaningful research conducted on the level or quality of English language skills necessary for successful functioning in the standard American classroom. In short, *research on what constitutes adequate English skills is inadequate.*

3. The Office for Civil Rights (ORC) has seen fit to expand the task beyond the simple procedure described earlier. *OCR has added achievement as an important outcome variable that must be considered along with English language ability.*

Adding achievement as a criterion for LESA identification and exit has made language background step forward as the sole scapegoat for the low achievement of language minority students. This is in spite of the documented effects of socio-economic, motivational, and mental ability factors on achievement.

Austin's Initial Approach. Let us try to make this situation a little more concrete. In Austin, in the 1978-79 school year, students were classified as LESA if they met all three of the following conditions: 1) non-English home background, 2) reading achievement at or below the 50th percentile, and 3) a score on an approved language assessment instrument that is indicative of LESA. Figure 1 presents a schematic breakdown of this and the resultant number of students identified at each step in AISD this year.

To obtain home language background information, individual surveys were sent home with each of the approximately 58,000 students in the district. One survey to each family was not sufficient, each child in each family had to take one home. If a language other than English was reported as the child's first acquired language, the language spoken most often by the child, or the language most frequently spoken in the home, then the first requirement for LESA identification was satisfied.

It is of interest to note that there was early talk in negotiations with OCR about the need to send this survey home written in the parent's dominant language. It seemed peculiar to us that we should be required to send out a survey whose purpose was to determine home language, already written in that dominant language. At any rate, ultimately the survey was released in English and Spanish only.

The standardized test cut-off points originally selected are presented in the table on the following page. (See Table 1)

It is important to note that the percentile cut-off points listed for the MRT, CAT, and STEP refer to national norming group percentiles. The cut-off points associated with the STEP correspond to graduation requirements currently in use in AISD, and the 40th percentile figure used with the the CAT corresponds nicely to the academic identification criterion for ESEA Title I and Texas State Compensatory Education (SCE) programs in AISD.

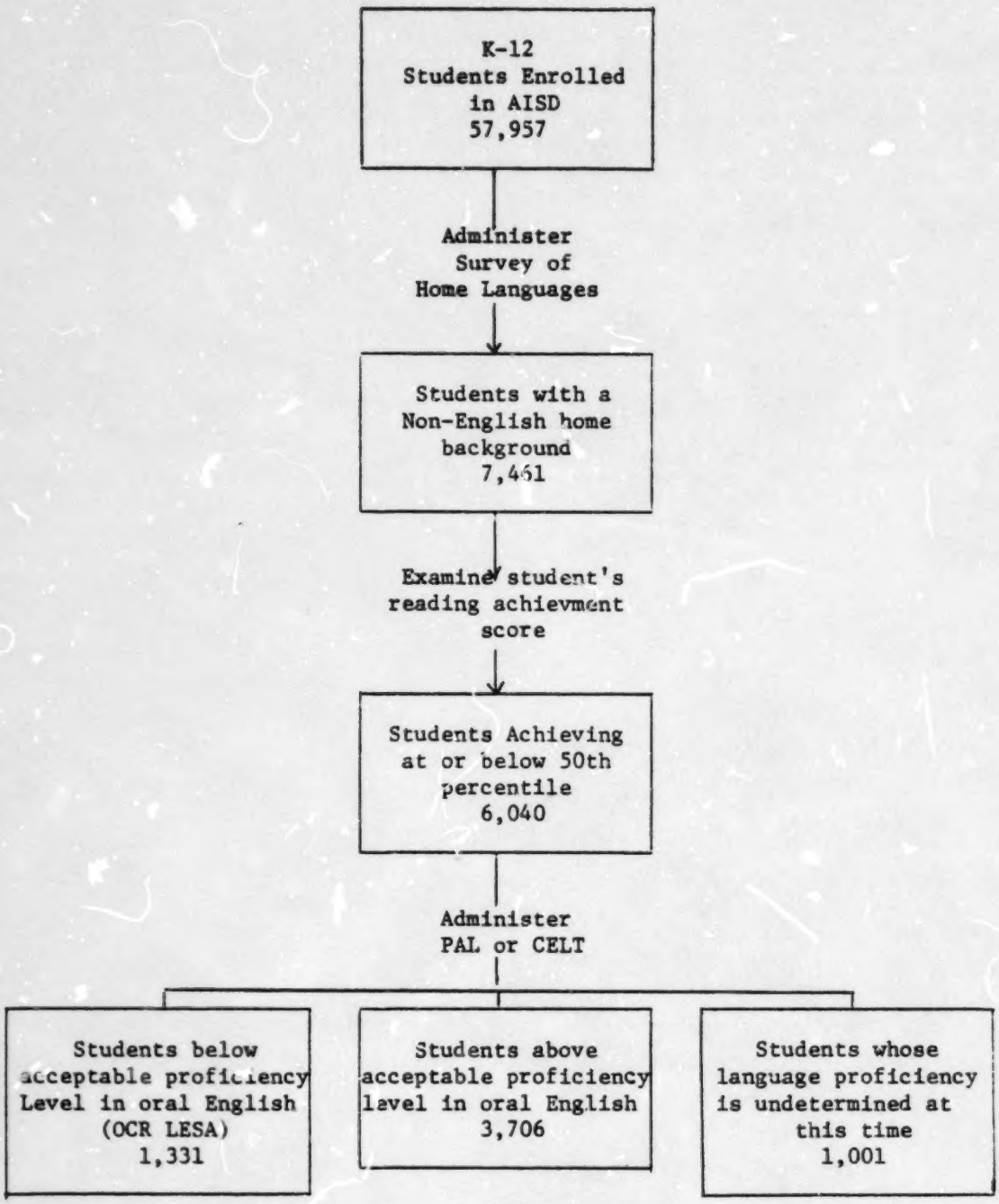

Figure 1: PROCEDURE USED TO IDENTIFY LIMITED ENGLISH SPEAKING ABILITY STUDENTS IN AUSTIN, 1978-79.

In this way, the review of a single score from each student could help determine status in four possible areas: LESA, Title I, SCE, or graduation requirements. Four major surveys were collapsed into one, and time required by teachers to provide this information was cut drastically. In this way, two priorities were to be satisfied: 1) the criterion would be set at a level dictated by educational relevance and district-defined levels of adequate academic achievement, and 2) the identification system would be efficient and multipurpose.

TABLE 1.

LESA IDENTIFICATION ACADEMIC ACHIEVEMENT CRITERIA*

78-79 Grade		LESA if Score is Equal to or Less than
K	K Screening	17 raw score
1	Metropolitan Readiness Test (MRT), reading	40th percentile
2-9	California Achievement Test (CAT), Reading Total	40th percentile
10	Sequential Tests of Educational Progress (STEP), Reading Total	30th percentile
11	Sequential Tests of Educational Progress (STEP), Reading Total	21st percentile
12	Sequential Tests of Educational Progress (STEP), Reading Total	15th percentile

*To be classified as LESA, a student must also meet language background and English development criteria.

OCR's Revisions and Their Impact

The Office for Civil Rights imposed two new conditions. The tests we were using at kindergarten and first grade for determining academic achievement (a local screening device and the Metropolitan Readiness Test respectively) were considered by OCR to be inappropriate. At grades 2-12, our cut-off points that corresponded to Title I and SCE identification and graduation requirements were considered to be too low by OCR. They were raised, uniformly across all grades, to the 50th percentile. The apparent rationale was that this shift would increase the number of LESA students found

by identifying those other language dominant children whose achievement was between the 41st and 50th percentiles.

Let us consider the impact of this shift. To begin with, this change in academic achievement identification percentiles disrupted our efforts to identify LESA students using the previously determined AISD criterion for graduation and Title I/SCE Program eligibility. Secondly, as a result of timing, this new identification requirement represented a substantial increase in cost over the original plan. We will refer to AISD's original plan for identifying LESA students with the existing graduation and Title I/SCE Program eligibility criterion as Phase I. Phase I was almost completed when OCR increased the cut-off point to the 50th percentile. We will refer to their new plan, identifying those LESA students whose reading achievement is between the 41st and 50th percentile as Phase II. Cost of Phase I, including both indirect (e.g., loss of teacher instructional time) and direct (e.g., monies set aside for data processing, reproduction of forms, testing, etc.) was estimated at $255,902. *Cost of Phase II, the additional efforts required by OCR's shift in identification points, was estimated at $100,957.* Something to think about.

How many more students did we identify as needing special language instruction by shifting the identification cut-off from the 40th to the 50th percentile? After all, if enough students are helped, the cost is immaterial. How does 31 sound? *Phase II activities identified 31 additional LESA students at an estimated cost of over $100,000.* An impressive figure in today's cost-conscious society.

To measure individual language proficiency, the third requirement for identification as LESA, the PAL, K-3 and 4-6 versions, and the Comprehensive English Language Test (CELT) were used. The PAL, an individually administered instrument, was given to all students in grades 2-6 who reported a non-English home background and whose reading achievement was at or below the 50th percentile. In grades K and 1, since OCR did not approve of the reading achievement tests originally proposed, all students who reported a non-English home background were required to take the PAL.

Of these two instruments, the PAL and the CELT, only the PAL was originally on the Texas Education Agency's (TEA) list of approved language assessment instruments. Since OCR stated that any instruments used must be approved by TEA, we found ourselves in a quandry. The most reliable, and we use that word advisedly, TEA approved language assessment devise we could find for use with secondary students was the Bilingual Syntax Measure II (BSM) in English. This test, like the PAL, is an individually administered oral language test. Having already spent much of the early fall coping with complaints from elementary teachers about the lack of resources to carry out PAL testing, we were hesitant to tell secondary teachers that they would be responsible for administering over 3,000 individual language tests. Our solution was creative. We administered the TEA (and thus OCR) approved BSM to a sample of 100 potentially LESA students who were then also given the CELT. The results of this testing were used in an equivalency study (ORE, 1978) in which cut-off CELT scores were derived that corresponded statistically to the TEA approved BSM LESA cut-off scores. We did not bother to calculate the cost of this effort.

The remainder of the paper is organized in the following sections and subsections.

Program Placement and Exit Models

- Austin's Present Exit Model
- An Expectation Exit Model
- A Compensatory Education Exit Model
- An Optimal Instructional Placement Model
- A False Positives Identification Model
- A Simple Solution Model

Summary

- Overview of the Models
- Conclusions

PROGRAM PLACEMENT AND EXIT MODELS

In the absence of definitive information regarding the "critical mass" in English facility needed by a student to assure learning occurs at a reasonable rate in all the various subject matter areas, those who work with LESA children must be satisified with exit criteria that are probably less than optimal for the child. Nevertheless, in the absence of relevant research on the topic, we must grope for criteria that have a solid basis in logic.

Probably, the most relevant point of departure in our search for exit criteria is where we are now. Thus, let us examine what OCR mandated criteria are used and identify the positive and negative aspects of the approach. Next let us dream dreams about what criteria might be if we lived on Fantasy Island. Finally, let us examine what improvements might be accomplished with what we presently have at hand in the District.

Austin's Present Exit Model

The criteria presently used by the District are delineated in Insert 1. Under present identification criteria, the distribution of reading achievement scores for LESA students represents scores falling in the left tail of the norm-referenced distribution (See Figure 2). Any student who exits LESA status must score high enough to leave the left tail. Thus, *the objective is to move the LESA children from the lower to the upper levels of the distribution*--a simple trick for those accustomed to changing water into wine or walking on water. For the rest of us however, *this objective casts a die of certain programmatic failure.* We cannot attain that distant star which is our objective.

It does seem somewhat inconsistent to expect the Anglo population to be distributed normally while expecting all LESA students, eventually, to perform in the upper levels of that distribution. Of course, this represents only one problem associated with our present criteria. The most serious flaw, it seem to us, is that *exit criteria are arbitrarily set and may have little relationship to the potential success of a student* in the regular classroom setting. These and other problems with present criteria are outlined in Table 2.

Problems of Present Exit Criteria. Below is a discussion of the problems of present exit criteria.

1. LESA exit criteria are arbitrarily set. The problem here is that we have no research basis for telling us what exit criteria should be. We are at a stage where the criteria are based on what seems appropriate. We do not know whether bilingual, English as a Second Language (ESL), and/or other special instruction would optimize academic success for the individual child. It may be that what is best for one child is different for another. At first blush, the problem of determining the appropriate educational placement for each child seems insurmountable. Yet, theoretically at

INSERT 1

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AUSTIN INDEPENDENT SCHOOL DISTRICT
Office of Research and Evaluation

EXIT CRITERIA

Criteria for Exit from Programs for Students of Limited English Speaking Ability

Exit from LESA programs must be based on all three criteria below.

1. The student has scored within one standard deviation of the mean for the non-minority students in Austin.

Grade	Month	Test	Score	One SD below Non-Minority Mean
K	February	Boehm	Total Raw Score	37
1	September	MRT	Pre Read Raw Score	42
1	April	CAT	Read Total %ile	44
2	April	CAT	Read Total %ile	53
3	April	CAT	Read Total %ile	50
4	April	CAT	Read Total %ile	37
5	April	CAT	Read Total %ile	37
6	April	CAT	Read Total %ile	36
7	February	CAT	Read Total %ile	37
8	February	CAT	Read Total %ile	36
9	April	STEP	Read Total %ile	21
10	April	STEP	Read Total %ile	23
11	April	STEP	Read Total %ile	24
12	April	STEP	Read Total %ile	23

2. The student has scored at level 5 in English on the PAL (K-6) or the CELT (7-12).

3. The principal concurs that the student should no longer be considered LESA. If the student is eligible for exit based on achievement and language proficiency scores, then his status will be reviewed by the school staff. If it is believed that the student is still LESA, the signatures of the principal, a parent, and the director of either elementary or secondary education must be obtained to continue the student's LESA status.

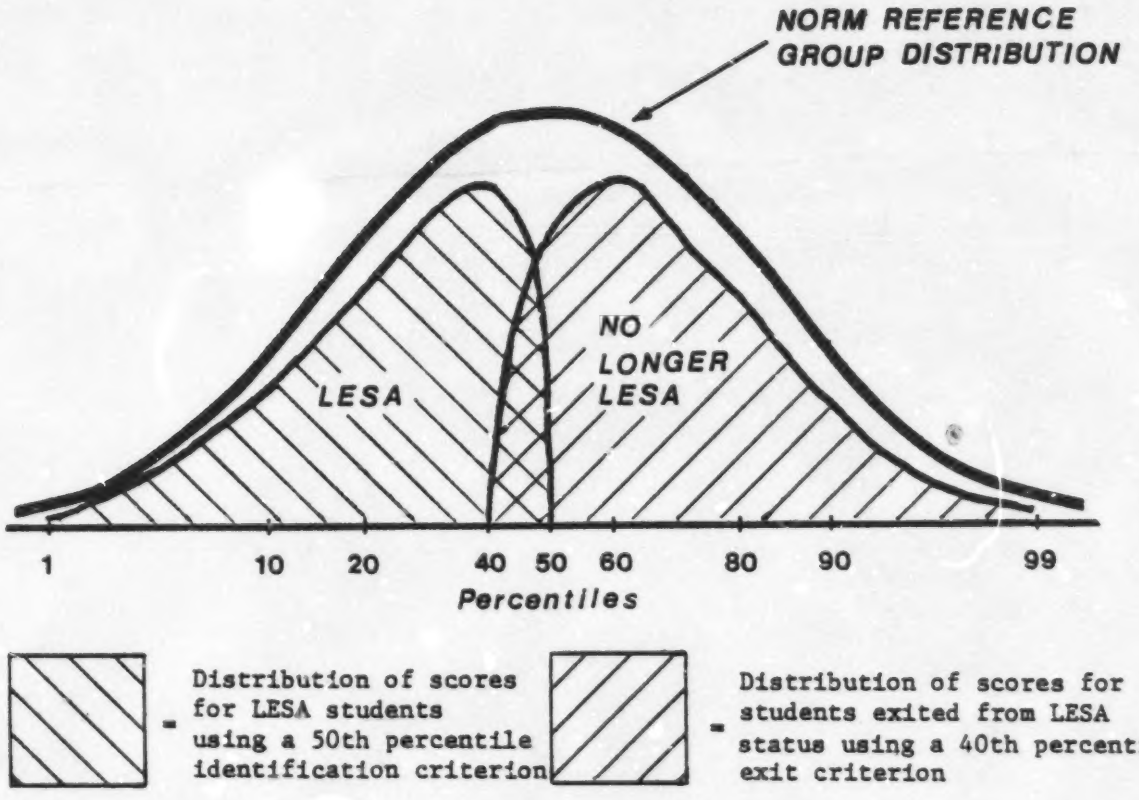


Figure 2: COMPARISON OF THE ACHIEVEMENT DISTRIBUTIONS FOR STUDENTS WHO ARE LESA AND NO LONGER LESA.

TABLE 2

PROBLEMS AND ASSETS ASSOCIATED WITH PRESENT AUSTIN EXIT MODEL

Problems	Assets
1. LESA exit criteria are arbitrarily set (not based on research).	1. Exit criteria 1 & 2 are objectively measureable.
2. The first criterion based on local reading achievement shifts grade by grade and year by year according to the latest Anglo performance.	
3. The exit criteria imply all LESA's should eventually perform - as a result of special instruction - above a given level regardless of their ability.	
4. There is no categorization (for programmatic purposes) of students who are functioning at a low level both in English and the other language and thus need special help that is not of a bilingual nature.	
5. Some children who become eligible to exit LESA status this year will by next year no longer meet the academic exit criterion.	

least, and possibly in reality, we may be able to approximate this notable goal.

2. The first criterion based on local reading achievement shifts grade by grade and year by year according to the latest Anglo performance. The problem here is one of using local rather than national norms as a basis for exiting the LESA program. Under these conditions, a LESA student could move from Austin to San Antonio and not be eligible for LESA status there. Furthermore, some students who have exited from LESA status in San Antonio may find they do not meet the LESA exit criteria in Austin. All of this seems to point more definitely to our lack of knowledge about what would be best for the child.

3. The exit criteria imply all LESA pupils should eventually perform -- as a result of special instruction -- above a given level regardless of their ability. The problem is one of expectations. Some of the LESA children are in the lower tail of the distribution due only to their level of proficiency in English. As English proficiency improves, we expect these to score in the upper levels of the distribution. Other children identified as LESA are in the lower tail of the distribution as a result of a variety of other causes. These are children who will learn but not at a rate that will allow them to surpass the achievement of their Anglo peers.

4. There is no categorization (for programmatic purposes) of students who are functioning at a low level both in English and the other language. Children at this level of functioning may need special help that is not of a bilingual nature. Indeed placing them in a bilingual situation may aggravate rather than alleviate the problem.

5. Students who meet the academic criterion one year but who would not be expected to achieve the criterion the next year are not identified. Pupils in this category have reached the criterion established for their grade level but most likely would not attain the required exit level for the following year. The present system would exit these students and no longer consider them for LESA status.

An Expectation Exit Model

Why not fantisize about what would be nice if things were not like they are? What such an approach does is to provide a broader perspective from which to view our problem. Out of this broader perspective may come innovative or partial solutions. It makes us more aware of what constraints are blocking the solution and may suggest improvements that can be implemented under present constraints or with minimal additional effort and expense.

Having outlined the rationale for "Fantasy Island" criteria, let us project models that would differentially address some of the problems outlined earlier. We realize that what you dream would likely be different and possibly better than what we have come up with. However, if our presentation stimulates a better dream we count that as a success.

The ultimate goal, irrespective of OCR's interpretation of the Lau decision, is to provide instruction that allows students to achieve commensurate with their abilities and out-of-school influences with no limits imposed by lack of English language skills. Therefore, our criterion in this exit model will still be achievement, but not an absolute minimum achievement level for all LESA students. Instead, the exit criterion for a student should be set based on how a native English speaker of similar ability and background would be expected to achieve. Thus, the influence of limited English language skills on achievement is the only factor which must be remedied in order for a student to exit from LESA status. Notice that this approach attempts to remedy the influence of limited English language skills not just to ensure acquisition of adequate skills.

This model deals with the decision of when a student's learning is no longer limited because of language background. *When a student exits according to this model, high achievement is not necessarily expected.* The influence of other family background and ability factors may still be so great that normal school progress is difficult. The authors wish to make very clear that they do not consider that the school's responsibility would end or that additional compensatory instruction would be unnecessary if a student exited LESA status based on this or a similar model.

A cornerstone of every exit model is the selection of the basis on which to set the exit criteria. In this model, the exit criteria vary according to the student's ability and background. An hypothetical starting model might resemble the one below.

$$A = aN + bS + cV + E$$

Where: A = Current Achievement - The measure of current achievement is dependent on a decision as to which skills are most appropriate for judging success in school.

N = Nonverbal Ability - Many nonverbal measures exist and have been validated for their relationship with achievement.

S = Socioeconomic Status - Research supports socioeconomic status as a strong determinant of school success. Unfortunately, measurement of this variable is difficult and would vary according to legal and community constraints.

V = Verbal Ability - This is not English language proficiency. No instruments or techniques known by the authors measure a child's ability to learn and use language irrespective of the language or languages spoken; however, the possibility of an overall verbal ability being related to achievement seems intuitively plausible.

E = Error (Residual Variation)

When this theoretical model is tested, there undoubtedly will be multicolinearity among the predictors. This shared variance may even be so great that just one of the predictors may actually account for most of the variance in the criterion.

Solving this equation would determine the expected achievement for each combination of nonverbal, SES, and verbal levels. The weights of each predictor would be set based on a sample of all native English speakers - Black, Hispanics, Anglos, etc. A LESA student's attained achievement level and values on the other predictors would then be used to determine if that student should exit from LESA status as a result of reaching the expected achievement level of similar non-LESA students.

The assets of this model are:

1. The effect of inadequate English language skills (not other ability or background influences) must be overcome in order to exit a LESA student. Once the student acquires sufficient English proficiency to have the same expected achievement as native English speakers of similar ability and background, the student exits from LESA status.

2. The exit criteria vary from grade to grade and student to student rather than being based on a single arbitrary criterion.

A Compensatory Education Exit Model

Exit Does Not Mean Success. *Now to the problem of what to do about a formerly LESA student who has exited as a result of achieving at the level expected for students of his ability and background, but who is still achieving below the level deemed acceptable by the school.* This situation is quite different from remedying the effects of limited English language skills. That has been accomplished for this student as verified by the above expectation model. OCR requires achievement at or above a specified level for all LESA students regardless of whether or not the effects of limited English speaking ability have been overcome - a shared goal of many educators, but not, in the authors' opinion, the intent of the Lau decision. *Afterall, Lau speaks to providing an equal educational opportunity not to providing equal educational outcomes.* To create a model which looks at predetermined acceptable levels of achievement as a goal for each child, the critical mass referred to earlier must first be defined. What minimum skills and knowledge should we require of every student? Hopefully this would be set on some basis more educationally meaningful than "one standard deviation below the mean for nonminority students" on a standardized achievement test. However, for this theoretical exercise, we will continue to use this statistical criterion.

Now we assume that the minimally acceptable performance levels are set at one standard deviation below the nonminority local population mean. Please be aware that from this point on the compensatory education model is appropriate for all students, not just LESA students.

If reaching the criterion at a grade ensured remaining at that level through subsequent grades, then there would be no need for any further manipulations; however, evidence from Austin's evaluations shows that *the longitudinal achievement trends for various groups of students may be different* and that *for minority and low SES students the trend is downward in terms of percentile ranking.* This means that a student at an acceptable level of achievement in

grade 3 may drop below the acceptable level by grade 6. Therefore, a model would be needed that takes a student's current achievement and background characteristics and predicts future achievement. This model might resemble the one below.

$$A^2 = aA^1 + bN + cS + dV + E$$

Where: A^1 = Current Achievement

A^2 = Future Achievement

N = Nonverbal Ability

S = Socioeconomic Status

V = Verbal Ability

E = Error (Residual Variation)

The weights for each predictor would differ for each grade level. Thus, a student in grade 3 would be provided some type of compensatory instruction if current achievement and the other three predictors pointed to an expected achievement level that is below the minimally acceptable achievement for a student in a specific future grade. For example, a third-grade student's current achievement, SES, nonverbal ability and verbal ability would be plugged into the compensatory education exit model to determine that student's expected sixth-grade achievement. If the expected achievement equals or exceeds the criterion for acceptable performance at grade six, then this student would no longer require compensatory instruction.

The future grades to be predicted could be chosen based on their relative importance in a student's school career. Thus, grades 6, 8, and 12 appear to be critical times. Students in grades K-5 would be provided compensatory instruction if their sixth-grade achievement based on the model is below the criterion set. The figure below shows this relationship.

Current Grade Level	Critical Future Grade Level
K-5	6
7	8
9-11	12

Figure 3: CRITICAL GRADE LEVELS.

Some of the advantages and disadvantages of this model for determining a student's need for compensatory instruction are delineated in Table 3.

TABLE 3

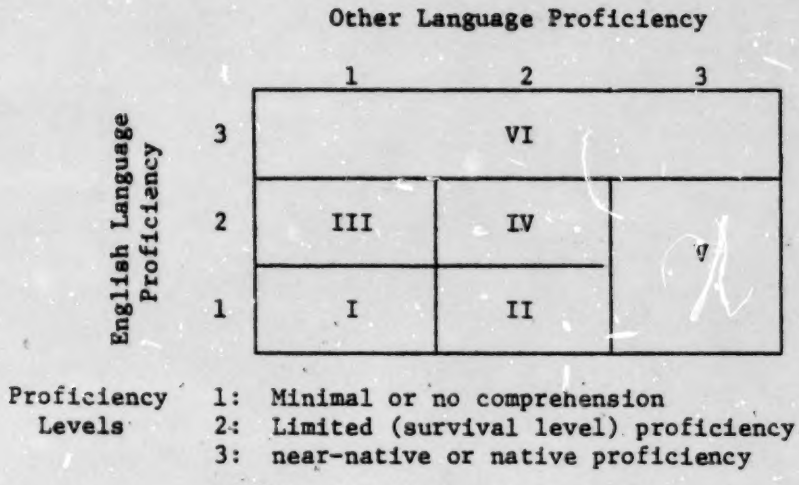
PROBLEMS AND ASSETS ASSOCIATED WITH THE COMPENSATORY EDUCATION EXIT MODEL

Problems	Assets
1. No research has nailed down the minimally acceptable levels of knowledge and skills.	1. The criterion for achievement is based on predetermined minimally acceptable levels of knowledge and skills.
2. The error associated with such long-range predictors limits the precision of estimated achievement levels.	2. Whether a student exits is based on his unique combination of current achievement, ability, and background variables.
	3. Critical grade levels are used as reference points to ensure that students will not exit from compensatory instruction if their expected achievement at a critical grade will be below the criterion.

An Optimal Instructional Placement Model

As indicated earlier in the paper, *our exit criteria should be concerned with placing the child in the educational environment which is most conducive to his academic growth.* It may be that certain children will do better in a bilingual program, others in an ESL program, and still others in a regular classroom. If such an hypothesis is true, then the problem becomes one of finding variables that will provide the discriminative power to identify most of these children.

Language proficiency is one of those variables that might provide some discriminative power. Hai (1978) has suggested the need for assessing proficiency in both English and the other language as a basis for useful instructional classification. A simplified and slightly modified version of his categorization is illustrated by Figure 4.



Proficiency Levels
1: Minimal or no comprehension
2: Limited (survival level) proficiency
3: near-native or native proficiency

Figure 4: LANGUAGE PROFICIENCY CLASSIFICATION FOR INSTRUCTION PURPOSES

The categories. The categories are outlined below.

Category I: Underdeveloped language skills - students in this range of scores represent students who probably need special language instruction not of a bilingual nature. Further diagnostic testing will be needed to assess the nature of the disability and to provide a basis for relevent instruction.

Category II: Limited other-language dominance - students in this category have a limited control of the other language and little if any proficiency in English itself.

Category III: Limited English dominance - students in this category have a limited control of English and have little or no knowledge of the other language.

Category IV: Limited bilingual - students in this category have an approximately equal limited control of English and the other language.

Category V: Other-language dominance - students in this category have either a near-native or native proficiency in the other language but have, at best, a limited command of English.

Category VI: English dominance - students in this category have a near-native or native proficiency in English, but have at best, a limited command of the other language.

We utilize these categories to help us establish the Fantasy Island version of program exit criteria as outlined in the following research design (In each design cell academic performance would be used as the dependent variable.)

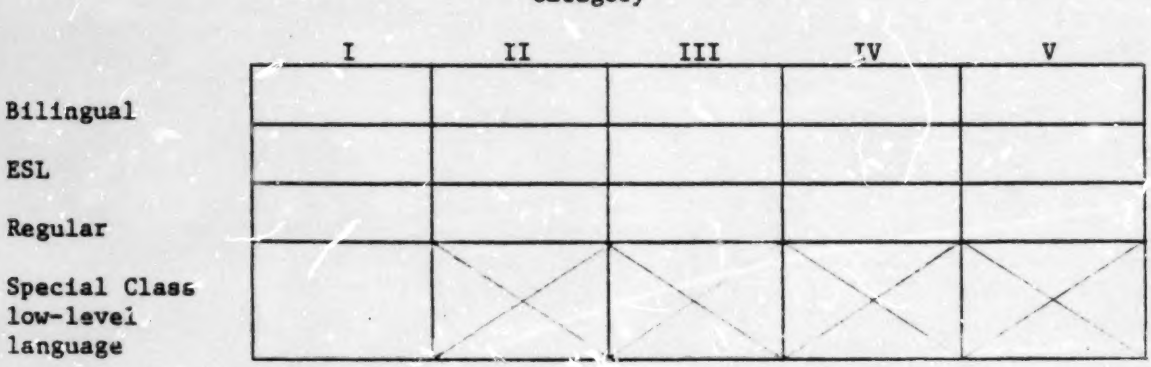


Figure 5: RESEARCH DESIGN FOR OPTIMAL PROGRAM PLACEMENT

In this section, *our basic objective is to build a prediction model that will allow us to differentiate among those children who will make their best academic progress in a bilingual, ESL, regular, or special class settings.* To do this will require some additional design specification; however, for the moment, let us identify some of the questions this basic design would answer. (It is assumed that within each category, students are assigned at random to each of the class types.)

1. Does level of language proficiency interact with type of program?
2. Is one type of program better overall than the alternatives?
3. Will children, with low-level language proficiency in both English and the home language who receive special instruction not of a bilingual nature, do better than similar children in regular, bilingual or ESL programs?

Answers to these questions will assist us in determining which type of educational program is best suited to students in the various categories. However, many other factors may be significant predictors of academic success in the various educational settings. To improve prediction, we would construct discriminant equations for each language category using only those children who score above the category mean. (Since individuals who score above the mean are "successful," they represent the students to be used in constructing our discriminant functions.) Measures assessing 1) initial achievement, 2) nonverbal intellectual functioning, 3) involvement of the parents in the child's formal learning process, 4) school affect, 5) self-concept, 6) locus of control, 7) teacher variables, and 8) other variables that may affect the student's response to the educational setting would be examined for predictive capability.

From these variables, a subset that provides significant discriminative power would be identified and used to assist the placement process (bilingual, ESL, regular, or other classes).

Assuming our efforts to find variables that differentiate adequately are successful, we will be able to place students in educational environments that will maximize the probability of their academic success. We also can reverse the process and predict to which of these classes the student should not be assigned.

With such a prediction model we would be able to:

1. place students in optimal educational environments based on objective measures and research-established criteria,
2. utilize criteria for program placement that is based on the student's probable success in that environment rather than the latest Anglo proformance,
3. place students in bilingual, regular, or other classes based on their probable success in that environment rather than basing placement on some arbitrarily established cut off point, and
4. place students who are functioning at a low level in both English and the other language in a program that optimizes their potential for academic growth

False Positives Identification Model: Improvements of Present Procedures

Under present constraints, what can we do to improve the exit criteria? At present we have longitudinal data on the following measures covering grades K-2.

PAL (Oral Language Dominance Measure, K)
Boehm Test of Basic Concepts (K)
Metropolitan Readiness Test (1)
California Achievement Tests (1,2)

Approaches we have examined and rejected. At first we constructed regression equations for the Anglo population using the Boehm, the MRT (reading readiness), and 1st-grade CAT (reading) scores as potential predictor variables and the 2nd-grade CAT reading scores as the predicted measure. The 1st-grade CAT scores accounted for 67% of the variance in scores. After entry of this variable into the regression, no other variable at hand could account for even 1% of additional variance. Thus, our best prediction model uses 1st-grade CAT scores to predict 2nd-grade CAT scores.

The idea was to use this equation as a basis for exiting students from LESA status using criteria that would be related directly to the performance of their English speaking peers. Unfortunately, the achievement scores are confounded with level of English proficiency for LESA students. Thus, to the degree that LESA students' scores are depressed as a result of a lower level of English proficiency, their expected scores using the regression equation would also be depressed. The effect would be to exit more LESA children from the program than is warranted.

Another approach that was considered but not carried out was an attempt to construct discriminant functions that would identify LESA students presently scoring below the exit criteria who could be expected to achieve the exit criteria or above by the succeeding year. The primary reason for eliminating this approach was the lack of the variety of variables necessary for meaningful discrimination. In this regard, we had held out hopes for the kindergarten PAL measures in English and Spanish only to discover that the two together account for less than 5% of the variance of 2nd-grade reading achievement scores. It seems alternative measures of English and other language proficiency should be considered.

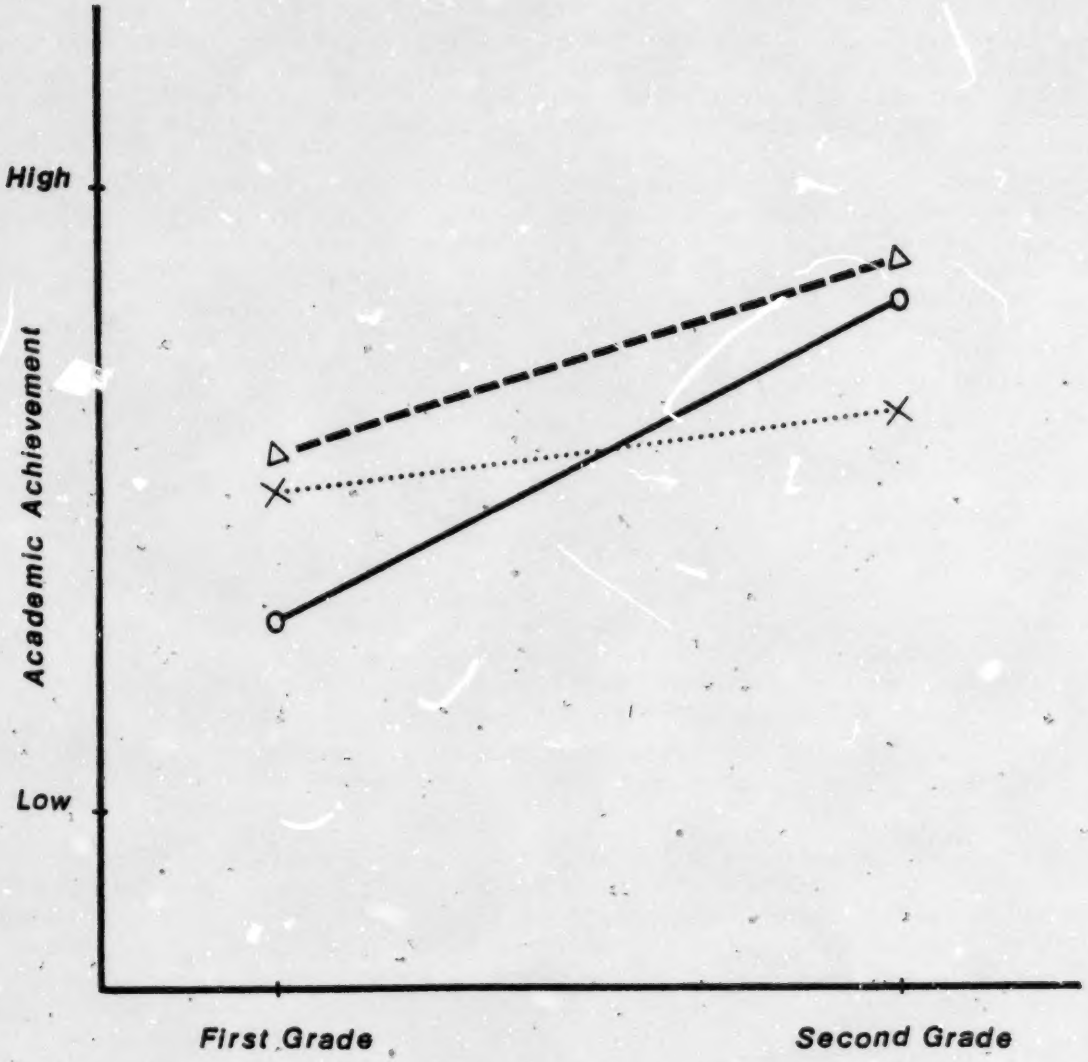
An approach that is still under consideration. One of the problems associated with the academic exit criterion presently used is that a number of students who (15.3% from 1st to 2nd grade) meet exit criteria one year do not have sufficient academic momentum to place them above the exit criteria the succeeding year. Fortunately the District has the data base to identify which children are likely to fall into this category.

What we have done is to construct a regression equation predicting 2nd-grade reading achievement of LESA children on the basis of their 1st-grade scores ($Y = .44X + 28.17$ where Y = predicted 2nd-grade achievement on the CAT, Form A, level II, and X = 1st-grade achievement on the level I CAT). Knowing what the 2nd-grade academic exit criterion is, the regression equation can be used to identify at what 1st-grade level a LESA student would have to perform for us to expect him to meet the academic exit criterion in 2nd-grade ($53 = .44X + 28.17$ where 53 is the 2nd-grade academic criterion and X is the minimum 1st-grade level of performance necessary for his expected 2nd-grade criterion to be 53). This information, could provide the basis for re-examining LESA status for those pupils who meet exit criteria in the 1st grade but who are expected to fall below the 2nd-grade academic criterion (See Figure 6).

What we intend to do next is to examine the feasibility of utilizing the present academic criterion for grades 3, 6, 8, and 12 as anchor points from which to make projections similar to the one we have already done, i.e., What level of performance must a 2nd-grader (a 1st-grader, or a kindergarten) achieve to have an expected score equal to or greater than the 3rd-grade criterion? The problems and assets of this model are outlined below (See Table 4).

A Simple Solution Model

At the beginning, we said that OCR had complicated the issue by requiring achievement for LESA students at or above minimal levels rather than dealing solely with the issue of language proficiency. The expectation exit model attempts to determine when limited English language skills are no longer affecting a student's achievement; however, obtaining measures of SES and and nonverbal ability on students poses real problems. Therefore, *the simple solution is to determine the English language skills which are minimally required for normal progress in school, measuring these, and exiting LESA students when these skills are possessed* - regardless of current or expected achievement. Then, after a student exits, a school's compensatory education programs would take over to assure adequate achievement progress. Table 5 outlines the problems and assets associated with this model.



Exit Criterion Scores

Individuals who scored above the exit criterion in first grade, but have an expected second grade score that is below criterion

Individuals whose achievement in first grade is sufficiently high for their expected second grade score to be at or above exit criterion

Figure 6: EXPECTED ACHIEVEMENT GAINS FROM FIRST TO SECOND GRADE FOR LESA STUDENTS

TABLE 4

PROBLEMS AND ASSETS ASSOCIATED WITH THE FALSE POSITIVES IDENTIFICATION MODELS

Problems	Assets
1. The expectation of reaching an anchor criterion may require adjustments that would virtually assure no LESA students, in the earlier grade levels farthest from their anchor, could achieve the adjusted criterion.	1. Identifies LESA students who achieve the academic exit criterion during one year who the next year no longer meet the academic exit criterion.
2. The first criterion based on local reading achievement shifts grade by grade and year by year according to the latest Anglo performance.	2. As with the presently used model, exit criteria are objectively measurable.
3. The exit criteria imply all LESA students should eventually perform as a result of special instruction - above a given level regardless of their ability.	
4. There is no categorization (for programmatic purposes) of students who are functioning at a low level both in English and the other language and thus need special help that is not of a bilingual nature.	
5. LESA exit criteria are arbitrarily set (not based on research).	

TABLE 5

PROBLEMS AND ASSETS ASSOCIATED WITH THE SIMPLE SOLUTION

Problems	Assets
1. Minimally acceptable English language skills must be identified and a measurement instrument developed.	1. Students may exit LESA status when they are truly no longer of limited English speaking ability rather than waiting until their achievement has risen to a preset level.
2. Assisting low-achieving LESA students after they exit from LESA status remains a separate educational challenge.	2. This simple solution is economical and more easily implemented than others.

Overview of the Models

Six models dealing with various aspects of LESA academic exit criteria have been delineated in this paper. Models 2-6 were conceptualized in response to the flaws of the model presently used in Austin. All of the models are theoretical at this point; although, some empirical data have been used to examine the potential of Model 5.

1. The present OCR-mandated model used in Austin. This model sets the academic criterion for LESA status exit at one standard deviation below the local Anglo norm. Students scoring at or above this arbitrarily set level have met the academic exit criterion for LESA status.

2. An Expected Performance Model minimizing English language proficiency bias. This model suggests the use of nonverbal intellectual functioning, socioeconomic status, and language learning capability measures to predict individual achievement. Students who attain an achievement level equal to or greater than their predicted scores would be considered as having acquired an English proficiency comensurate with their peers who speak English as their primary language. Students who attain such a level of achievement would no longer be considered for LESA status, although, other special instruction such as that provided by compensatory education programs would continue if warranted.

3. A Compensatory Education Exit Model linking students who are no longer LESA and other non-LESA pupils to special compensatory instructional services. This model is included within the scheme of the paper to indicate that when students exit LESA status--having attained an English proficiency functioning level commensurate with their peers who speak English as their primary language--special instruction would still be available if needed.

4. An Optimal Instructional Placement Model. With this model, we may be able to project which program type would provide the highest rate of academic achievement for a given type of student, i.e., should this particular student be in a bilingual, ESL, regular, or another educational setting.

5. A LESA False Positives Identification Model. This model is designed to identify those students who meet the academic criterion for exiting LESA status during one year but who will most likely not meet the criterion the following year. The students identified by this model are the ones who may exit LESA status when retention should have been considered.

6. A Simple Solution Model. This model is derived from two sources, 1) a literal interpretation of the Lau decision and 2) a frustration with the problems and complexity associated with the present model. The model assumes that an adequate level of English proficiency for functioning normally in a regular classroom can be determined - through research and measurement instruments that adequately assess English language proficiency. When this level is

attained, the student is no longer of LESA status. However, other instructional services may be warranted.

Conclusions

How can school districts resolve the conflict among legal, political, and educational interpretations of the Lau vs. Nichols decision? Everyone has the best interest of LESA students in mind; however, the research basis to support unequivically one position over another does not exist. Consequently OCR mandates its plans without being able to present research and evaluation support for the correctness of its remedies, the Texas Education Agency operates under legislation based on political considerations rather than on experience, and local school districts attempt to satisfy everyone to protect needed external funding sources without knowing what the effect will be on student outcomes.

The issue seems to be two issues so interrelated that our thinking has become muddled. The first is *to eliminate the effects on school success of having limited English speaking ability as a result of coming from a home where a language other than English is spoken.* The second is *to ensure that all students, regardless of home background, acquire a minimum level of knowledge and skills.*

If indeed the Lau decision relates to the first issue only, then the current Lau Remedies may be more comprehensive than the court intended. *Indeed the goal that all LESA students be achieving above a set percentile level is impossible.* Some consideration must be given to each student's learning potential apart from current English language skills development.

Our goals should be to remedy the effects of being a nonnative-English speaker (exit from LESA status), and to teach the required knowledge and skills for success in our society. With this in mind, the six models discussed have become just the beginning of a search for more appropriate methods of measuring success in school.

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